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Attorneys for Christina W. Lovato, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re
DOUBLE JUMP, INC.
Debtor.

Lead Case No.: BK-19-50102-gs
(Chapter 7)

Substantively consolidated with:

19-50130-gs	DC Solar Solutions, Inc.
19-50131-gs	DC Solar Distribution, Inc.
19-50135-gs	DC Solar Freedom, Inc.

CHRISTINA W. LOVATO,
Plaintiff,
v.
KING SOLARMAN, INC., CHIANG LIAN
CUNG a/k/a MICHAEL CUNG, KING
SOLARMAN (INDION) FUND I, LLC, AND
KING SOLARMAN (INDION) FUND II, LLC,
Defendants.

Adversary No.: 21-05028-gs

**STIPULATION AND PROTECTIVE ORDER
REGARDING PRODUCTION OF
DOCUMENTS**

Hearing Date: N/A
Hearing Time: N/A

This Stipulation (“*Stipulation*”) is entered into by and between Meaghan E. Murphy of Meland Budwick, P.A. on behalf of Christina W. Lovato, Trustee (“*Trustee*”) and Kathryn S. Diemer of Diemer & Wei, LLP on behalf of Defendant King Solarman, Inc. (“*King Solarman*”) (“*Defendant*”) (the Defendant and the Trustee are collectively the “*Parties*”) in the above-

captioned adversary proceeding (“*Adversary*”). The Bankruptcy Court order approving the Stipulation (the “*Protective Order*”) shall be deemed effective on the date it is entered by the clerk of the Court (the “*Effective Date*”).

- A. The Trustee is the duly appointed and acting chapter 7 trustee with respect to the non-real estate assets of the above-captioned debtors in chapter 7 bankruptcy cases (collectively, the “*Debtors*”).
- B. On August 5, 2022, the Trustee served the Defendant with the Trustee’s First Requests for Production (“*RFP*”).
- C. The RFP set forth document requests (“*Discovery Requests*”), which seek the production of certain documents from the Defendant (“*Documents*”).
- D. The Defendant in good faith believes that some of the Documents not already produced to the Trustee by the Defendant are (i) confidential, sensitive or potentially invasive of individual or corporate privacy interests; (ii) not generally known; and (iii) not normally revealed to the public or third parties, or if disclosed to third parties, would require such third parties to maintain the information in confidence. The Defendant will mark all such Documents with the word “CONFIDENTIAL” (collectively, the “*Confidential Documents*”).
- E. The Defendant is willing to provide the Trustee with the non-privileged Confidential Documents that are responsive to the RFP, but only on condition that the Trustee shall strictly comply with the terms of this Stipulation and the Protective Order.

Based upon the foregoing, it is hereby agreed (and, upon entry of the Protective Order, it is hereby ordered) as follows:

1. Production of Documents. By November 4, 2022, the Defendant will comply with the Discovery Requests and RFP and produce documents described therein in accordance with the terms of this Stipulation and Protective Order. All of the Confidential Documents shall be designated as protected and confidential.
2. Maintenance of Confidentiality. In accordance with the terms of this Stipulation, counsel for the Trustee shall hold confidential and shall not disclose, distribute, transmit or

1 divulge (i) the Confidential Documents and (ii) all of the information contained in the
2 Confidential Documents whether such information summarizes the contents of the Confidential
3 Documents or is abstracted from the Confidential Documents.

4 3. Effort to Make Public Information from Confidential Documents. If counsel for
5 the Trustee does not believe the Confidential Documents, or information from any of the
6 Confidential Documents, has been properly designated as “CONFIDENTIAL” or seeks to make
7 public any information from any of the Confidential Documents, before disclosing and making
8 public any such information, counsel shall, by electronic mail, notify counsel for the Defendant
9 and provide the scope of the proposed disclosure (the “*Requested Disclosure*”).

10 4. Counsel for the Defendant shall have no less than five (5) business days within
11 which to seek an order, which it shall do in all respects promptly, from the Court extending
12 protection with respect to the information at issue. If such an order is entered, then the Trustee
13 shall comply with the terms of such order. If the Defendant does not seek an order from the
14 Court within the time allowed, or if the Defendant seeks an order from the Court and relief is
15 denied, then the Trustee may disclose and make public the information to the extent described in
16 the Requested Disclosure. Nothing in this Stipulation limits the filing parties’ obligations to
17 comply with Federal laws regarding filing of financial information.

18 5. Scope of Protections. The protections conferred by this Stipulation and the
19 Protective Order cover not only the Confidential Documents, but also (i) any information copied
20 or extracted from Confidential Documents; (ii) all copies, excerpts, summaries or compilations
21 of Confidential Documents; and (iii) any testimony, conversations or presentations by the Parties
22 or their counsel that might reveal the information in the Confidential Documents.

23 6. However, the protections conferred by this Protective Order do not cover
24 documents or information that are: (a) in the public domain at the time of disclosure to the
25 Trustee or which becomes part of the public domain after its disclosure to the Trustee as a result
26 of publication not involving a violation of this Protective Order or Federal law, including
27 becoming part of the public record through trial or otherwise; and (b) known to the Trustee prior
28 to the disclosure or obtained by the Trustee after the disclosure from a source who obtained the

1 information lawfully and under no obligation of confidentiality to the Defendant. Any use of
2 Confidential Documents at trial shall be governed by a separate agreement or order.

3 7. Maintenance of Confidential Documents. The Trustee may disclose the
4 Confidential Documents only under the conditions described in this Protective Order. All
5 Confidential Documents must be stored and maintained by the Trustee at a location and in a
6 secure manner that ensures that access is limited to the persons authorized under this Protective
7 Order. Unless otherwise ordered by the Court or permitted by the Defendant, the Trustee may
8 disclose and entrust any information from the Confidential Documents only to the following
9 individuals, each of whom shall be bound to the terms in this Stipulation and Protective Order:
10 (a) the Trustee and her staff; and (b) professionals for the Trustee.

11 8. Inadvertent Failure to Properly Designate Documents as Confidential.
12 Inadvertent production of any Document or information without a designation of “Confidential”
13 will not be deemed to waive the Defendant’s claim to its confidential nature or stop the
14 Defendant from designating said Document or information as confidential at a later date, as long
15 as the Defendant acts promptly (including, by communicating with the Trustee) from its
16 discovery of the inadvertent disclosure. Disclosure of said Document or information by the
17 Trustee prior to such later designation shall not be deemed a violation of the provisions of this
18 Stipulation or the Protective Order.

19 9. Disclosure of Privileged Documents, “Clawback” Procedure. This Stipulation
20 and Protective Order invokes the protections afforded by Federal Rule of Evidence 502(d). If the
21 Defendant produces (or discloses) to the Trustee any Documents or information subject to a
22 claim of privilege or immunity from discovery (including but not limited to attorney-client
23 privilege, work product and immunities created by federal or state statute or regulation), such
24 production (or disclosure) shall not be deemed a waiver in whole or in part of the Defendant’s
25 claim of privilege or immunity from discovery, either as to specific Documents and information
26 produced (or disclosed) or on the same or related subject matter, either in this case or in any
27 other action, investigation or proceeding. In the event that the Defendant produces or discloses
28 Documents, ESI, or other materials subject to a claim of privilege or immunity, the Defendant

1 shall notify the Trustee in writing of the production (or disclosure) of materials protected by any
 2 privilege or immunity. From the moment that the Defendant provides notice of production (or
 3 disclosure) of materials protected by any privilege or immunity, the Trustee shall not copy,
 4 distribute or otherwise use in any manner the disclosed Documents or information and shall
 5 promptly instruct all persons to whom the Trustee has disseminated a copy of the Documents or
 6 information that the Documents or information are subject to this Stipulation and Protective
 7 Order and may not be copied, distributed or otherwise used pending further notice from the
 8 Court. The Defendant may, in the notice, request a “clawback” of the produced or disclosed
 9 material. The Trustee shall promptly and diligently act to retrieve the produced or disclosed
 10 Documents, and all copies, including any loaded to databases, and within five (5) business days
 11 return them to the Defendant or destroy them or render them inaccessible as agreed between the
 12 Parties. All notes or other work product of the Trustee reflecting the contents of such materials
 13 shall be identically treated and not used. Nothing in this Stipulation and Protective Order
 14 overrides any ethical responsibilities, to the extent of applicable law, of the Trustee and her
 15 professionals to refrain from examining or disclosing materials that they know or reasonably
 16 should know to be privileged and to inform the Defendant that such privileged material has been
 17 produced or disclosed.

18 10. Response to Later RFP. If the Trustee is served with a RFP, discovery request or
 19 court order for disclosure of any information from the Confidential Documents, the Trustee
 20 must: (a) within ten (10) calendar days after receiving such RFP, discovery request or court order
 21 notify the Defendant in writing that some of the material sought is subject to this Protective
 22 Order; and (b) cooperate with respect to all reasonable procedures sought to be pursued by the
 23 Defendant with respect to any disclosure or protection of the Documents and information sought.

24 11. Termination of Obligation to Preserve Confidentiality. The confidentiality
 25 obligations imposed by this Protective Order shall remain in effect until the Defendant agrees
 26 otherwise in writing or a Court order otherwise directs. All Confidential Documents and
 27 materials produced pursuant to this Protective Order shall be “**Rendered Inaccessible**,” which
 28 means either (i) destroyed, (ii) returned to the Defendant in a manner in which counsel will be

1 able to reasonably verify that all Documents were returned, or (iii) rendered inaccessible through
2 security features that prohibit reviewing any of the information contained within the Confidential
3 Documents. All Parties agree to ensure that all Confidential Documents, information or materials
4 that were disclosed to others shall be Rendered Inaccessible. The Court shall (a) make such
5 amendments, modifications and additions to this Protective Order as it may deem appropriate
6 upon good cause shown; and, (b) adjudicate any dispute arising under it.

7 12. This Stipulation is signed and entered into as of the Stipulation Date.

8
9 DATED: October 28, 2022.

DATED: October 28, 2022.

10 **MELAND BUDWICK, P.A.**

DIEMER & WEI, LLP

11 /s/ Meaghan E. Murphy

/s/ Kathryn S. Diemer

12 Meaghan E. Murphy, Esq.

Kathryn S. Diemer, Esq.

Attorneys for Plaintiff Christina W. Lovato

Attorney for Defendant King Solarman, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2022, I caused to be served the following document
(s):

**STIPULATION AND PROTECTIVE ORDER REGARDING
PRODUCTION OF DOCUMENTS**

I caused to be served the above -named document(s) as indicated below:

✓ a. Via Electronic Mail to:

CHRISOPHER PATRICK BURKE attycburke@charter.net

PAUL J. JOHNSON pjohnson@diemerwei.com

ALEXANDER J. LEWICKI alewicki@diemerwei.com

KATHRYN S. DIEMER kdiemer@diemerwei.com

DATED: October 28, 2022.

/s/ Meaghan E. Murphy
Meaghan E. Murphy, Esq.